

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HSBC BANK USA, NATIONAL	§	No. 5:19–CV–1314–DAE
ASSOCIATION, AS TRUSTEE FOR	§	
ACE SECURITIES CORP. HOME	§	
EQUITY LOAN TRUST, SERIES	§	
2006-OP1,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
MINNIE J. HUGHES,	§	
	§	
Defendant.	§	
_____	§	

ORDER (1) ADOPTING REPORT AND RECOMMENDATION AND
(2) GRANTING PLAINTIFF’S MOTION FOR ATTORNEY’S FEES

Before the Court is a Report and Recommendation

(“Recommendation”) filed by Magistrate Judge Elizabeth S. (“Betsy”) Chestney. (Dkt. # 18). The Plaintiff in this case, HSBC Bank USA, National Association, (“Plaintiff”) has filed a Motion for Attorney’s Fees (“Motion”). (Dkt. # 17.) The Motion was referred to the Magistrate Judge on April 23, 2020. The Magistrate Judge filed her Recommendation on May 8, 2020. (Dkt. # 18.) Objections to the Recommendation were due within 14 days after being served with a copy. Neither party filed any objections to the Recommendation.

Where, as here, neither party objects to the Magistrate Judge's findings, the Court reviews the Recommendation for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After careful consideration, the Court adopts the Magistrate Judge's Recommendation. Plaintiff is entitled to recover the reasonable and necessary attorney's fees incurred in filing and prosecuting Plaintiff's claims to enforce an interest in real property resulting from Defendant's default under the loan agreement giving rise to this suit. See Tex. Civ. Prac. & Rem. Code § 38.001(8) (providing for the recovery of attorney's fees in suit to enforce a written contract). Furthermore, the parties' loan agreement expressly provides for the recovery of fees incurred in the pursuit of foreclosure. (See Security Instrument [Dkt. # 1-1] at 15, ¶ 9.) Plaintiff seeks attorney's fees not as an additional debt secured by the security instrument and not as a personal judgment against Defendant.

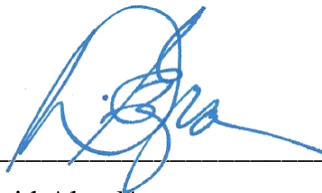
Furthermore, the Court agrees with the Magistrate Judge that the amount of fees claimed by Plaintiff is reasonable. Plaintiff's attorneys billed at a rate of \$215.00 per hour, and the assisting paralegals and legal assistants billed at a rate of \$95.00 per hour. (Dkt. # 17-1 at 2–4.) The invoices attached to Plaintiff's motion provide sufficient detail and support Plaintiff's assertion that the time spent filing this lawsuit and obtaining the default judgment in this case was reasonable.

(Dkt. # 17-1 at 5–18.) Accordingly, the Court finds that the Magistrate Judge’s conclusions and recommendation are neither clearly erroneous nor contrary to law.

For the reasons given, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation (Dkt. # 18) as the opinion of the Court, and **GRANTS** Plaintiff’s Motion for Attorney’s Fees (Dkt. # 17). Plaintiff shall recover attorney’s fees in the amount of \$5,173.50 from Defendant Minnie J. Hughes as a further obligation owed by her under the Note and Security Interest.

IT IS SO ORDERED.

DATED: San Antonio, Texas, July 27, 2020.



David Alan Ezra
Senior United States District Judge